

CHAPTER 243

PROPERTY

HOUSE BILL 22-1287

BY REPRESENTATIVE(S) Boesenecker and Hooton, Bacon, Benavidez, Barnett, Caraveo, Cutter, Duran, Gonzales-Gutierrez, Gray, Jodeh, Kennedy, Kipp, Lindsay, McCluskie, McLachlan, Mullica, Ortiz, Ricks, Sirota, Sullivan, Titone, Weissman, Woodrow, Amabile, Bird, Daugherty, Exum, Froelich, Herod, Lontine, McCormick, Michaelson Jenet, Valdez A., Young, Snyder; also SENATOR(S) Winter, Coleman, Lee, Story, Buckner, Danielson, Donovan, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Pettersen, Rodriguez, Zenzinger, Fenberg.

AN ACT

CONCERNING PROTECTIONS FOR MOBILE HOME PARK RESIDENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-31-101, **amend** (1)(i) as follows:

24-31-101. Powers and duties of attorney general. (1) The attorney general:

(i) May bring civil and criminal actions to enforce state laws, including actions brought pursuant to the "Colorado Antitrust Act of 1992" in article 4 of title 6, the "Colorado Consumer Protection Act" in article 1 of title 6, THE "MOBILE HOME PARK ACT" IN PART 2 OF ARTICLE 12 OF TITLE 38, THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM" IN PART 11 OF ARTICLE 12 OF TITLE 38, the "Unfair Practices Act" in article 2 of title 6, article 12 of title 6, and sections 6-1-110, 11-51-603.5, 24-34-505.5, and 25.5-4-306;

SECTION 2. In Colorado Revised Statutes, **amend** 38-12-200.2 as follows:

38-12-200.2. Legislative declaration. The general assembly hereby declares that the purpose of this part 2 is to establish the relationship between the owner of a mobile home park, ~~and~~ the owner of a mobile home situated in such park, AND RESIDENTS IN THE PARK.

SECTION 3. In Colorado Revised Statutes, 38-12-201.5, **amend** (1)(e), (1)(f), and (6); and **add** (1)(g) and (6.5) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

38-12-201.5. Definitions. As used in this part 2 and in part 11 of this article 12, unless the context otherwise requires:

(1) "Entry fee" means any fee paid to or received from an owner of a mobile home park or an agent thereof except for:

(e) Incidental reasonable charges for services actually performed by the mobile home park owner or the mobile home park owner's agent and agreed to in writing by the home owner; ~~and~~

(f) Late fees; AND

(g) MEMBERSHIP FEES PAID TO JOIN A RESIDENT OR HOME OWNER COOPERATIVE THAT OWNS THE MOBILE HOME PARK OR OTHER PARKS QUALIFYING AS COMMON INTEREST COMMUNITIES PURSUANT TO THE "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3 OF THIS TITLE 38.

(6) "Mobile home park" or "park" means a parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land or the owner's agents, lessees, or assignees. "Mobile home park" does not include mobile home subdivisions or property zoned for manufactured home subdivisions. FOR PURPOSES OF THIS DEFINITION, THE PARCEL OF LAND COMPRISING THE MOBILE HOME PARK DOES NOT NEED TO BE CONTIGUOUS, BUT MUST BE IN THE SAME NEIGHBORHOOD AS DETERMINED BY THE DIVISION.

(6.5) "MOBILE HOME SUBDIVISION" OR "MANUFACTURED HOME SUBDIVISION" MEANS ANY PARCEL OF LAND THAT IS DIVIDED INTO TWO OR MORE PARCELS, SEPARATE INTERESTS, OR INTERESTS IN COMMON, WHERE EACH PARCEL OR INTEREST IS OWNED BY AN INDIVIDUAL OR ENTITY WHO OWNS BOTH A MOBILE HOME AND THE LAND UNDERNEATH THE MOBILE HOME; EXCEPT THAT A PARCEL IS NOT A "MOBILE HOME SUBDIVISION" OR "MANUFACTURED HOME SUBDIVISION" WHEN THE SAME OWNER OWNS A PARCEL OR SUBDIVIDED PARCELS OR INTERESTS THAT ARE COLLECTIVELY USED FOR THE CONTINUOUS ACCOMMODATION OF FIVE OR MORE OCCUPIED MOBILE HOMES AND OPERATED FOR THE PECUNIARY BENEFIT OF THE LANDOWNER OR THEIR AGENTS, LESSEES, OR ASSIGNEES.

SECTION 4. In Colorado Revised Statutes, 38-12-202, **amend** (1)(a) introductory portion and (1)(c)(I) as follows:

38-12-202. Tenancy - notice to quit. (1) (a) No tenancy or other lease or rental occupancy of space in a mobile home park shall commence without a written lease or rental agreement, and no tenancy in a mobile home park shall be terminated until a notice to quit OR NOTICE OF NONPAYMENT OF RENT has been served. ~~Said~~ A notice to quit shall be in writing and in the form specified in section 13-40-107 (2). ~~C.R.S.~~ The property description required in section 13-40-107 (2) ~~C.R.S.~~, ~~shall be deemed~~ is legally sufficient if it states:

(c) (I) Except as otherwise provided in SECTION 38-12-204 (1) OR subsections (1)(c)(II) and (3) of this section, the management shall give a home owner at least

ninety days after the date the notice is served or posted to sell the mobile home or remove it from the premises.

SECTION 5. In Colorado Revised Statutes, 38-12-203, **amend** (1)(d)(II); and **add** (3) as follows:

38-12-203. Reasons for termination. (1) The management of a mobile home park may terminate a tenancy only for one or more of the following reasons:

(d) (II) If a landlord wants to change the use of a mobile home park, and the change of use has been approved by the local or state authority or does not require approval, and the change of use would result in the eviction of inhabited mobile homes, the landlord shall give the owner of each mobile home that is subject to the eviction a written notice of the landlord's intent to evict not less than twelve months before the change of use of the land, which notice must be mailed to each home owner. THE NOTICE MUST ADVISE THE HOME OWNER OF THE HOME OWNER'S RIGHT TO COMPENSATION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) A LANDLORD SHALL NOT MAKE ANY ORAL OR WRITTEN STATEMENT THREATENING EVICTION FOR A VIOLATION OR ACTION THAT IS NOT GROUNDS FOR TERMINATING A TENANCY UNDER SUBSECTION (1) OF THIS SECTION. A HOME OWNER MAY FILE A COMPLAINT PURSUANT TO SECTION 38-12-1105 OR A CIVIL ACTION PURSUANT TO SECTION 38-12-220 FOR A VIOLATION OF THIS SUBSECTION (3). IF THE COURT DETERMINES THAT THE LANDLORD VIOLATED THIS SUBSECTION (3), THE COURT SHALL AWARD A STATUTORY PENALTY OF UP TO TWENTY THOUSAND DOLLARS TO THE PLAINTIFF IN ADDITION TO ANY OTHER REMEDIES AUTHORIZED BY SECTION 38-12-220.

SECTION 6. In Colorado Revised Statutes, **add** 38-12-203.5 as follows:

38-12-203.5. Change in use of the park - remedies for home owners - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "IN-PLACE FAIR MARKET VALUE" MEANS THE FAIR MARKET VALUE OF THE MOBILE HOME AND ANY ATTACHED APPURTENANCES AND STRUCTURES ON THE LOT OWNED BY THE HOME OWNER SUCH AS PORCHES, DECKS, SKIRTING, AWNINGS, AND SHEDS, TAKING INTO ACCOUNT THE ACTUAL COST OF ALL IMPROVEMENTS MADE TO THE MOBILE HOME BY THE HOME OWNER. FAIR MARKET VALUE IS DETERMINED BASED ON THE VALUE OF THE MOBILE HOME IN ITS CURRENT LOCATION PRIOR TO THE DECISION TO CHANGE THE USE OF THE PARK.

(b) "RELOCATION COSTS" INCLUDES:

(I) ANY REASONABLE COSTS INCURRED TO MOVE THE MOBILE HOME, FURNITURE, AND PERSONAL BELONGINGS THEREIN TO A REPLACEMENT SITE;

(II) THE REASONABLE COST OF DISASSEMBLING, MOVING, AND REASSEMBLING ANY ATTACHED APPURTENANCES AND STRUCTURES ON THE LOT OWNED BY THE HOME OWNER SUCH AS PORCHES, DECKS, SKIRTING, AWNINGS, AND SHEDS, WHICH WERE NOT ACQUIRED BY THE LANDLORD;

(III) THE COSTS OF ANCHORING THE UNIT;

(IV) THE COSTS OF CONNECTING OR DISCONNECTING THE MOBILE HOME TO UTILITIES;

(V) INSURANCE COVERAGE DURING TRANSPORT; AND

(VI) THE COST TO DISASSEMBLE AND REINSTALL ANY ACCESSIBILITY IMPROVEMENTS SUCH AS WHEELCHAIR RAMPS, LIFTS, AND GRAB BARS.

(2) IF A LANDLORD INTENDS TO CHANGE THE USE OF THE LAND COMPRISING A MOBILE HOME PARK OR PART OF A MOBILE HOME PARK AND THE CHANGE IN USE WOULD RESULT IN THE DISPLACEMENT OF ONE OR MORE MOBILE HOMES IN THE PARK, FOR EACH DISPLACED MOBILE HOME, THE LANDLORD SHALL PROVIDE THE HOME OWNER OR HOME OWNERS ONE OF THE FOLLOWING AT THE HOME OWNER'S OR HOME OWNERS' CHOOSING WITHIN THIRTY DAYS OF RECEIVING A WRITTEN DEMAND BY THE HOME OWNER OR HOME OWNERS:

(a) PAYMENT OF RELOCATION COSTS TO RELOCATE THE MOBILE HOME TO A LOCATION OF THE HOME OWNER'S CHOOSING WITHIN ONE HUNDRED MILES BY ROAD OF THE PARK. RELOCATION COSTS ARE DETERMINED BASED ON THE LOWEST ESTIMATE OBTAINED BY THE HOME OWNER FROM A MOBILE HOME MOVER. THE LANDLORD MAY REQUEST A COPY OF THE ESTIMATE TO SUPPORT THE REQUEST FOR PAYMENT OF RELOCATION COSTS. IF THE HOME OWNER EXERCISES THIS OPTION, THE HOME OWNER MUST ACTUALLY RELOCATE THE MOBILE HOME AND ALL PERSONAL BELONGINGS IN ACCORDANCE WITH THE ESTIMATE USED TO DETERMINE RELOCATION COSTS PRIOR TO THE DATE OF THE CHANGE IN USE SET FORTH IN THE NOTICE REQUIRED BY SECTION 38-12-203 (1)(d)(II). THE HOME OWNER IS RESPONSIBLE FOR ADDITIONAL MILEAGE COSTS TO MOVE THE MOBILE HOME TO A LOCATION MORE THAN ONE HUNDRED MILES FROM THE PARK.

(b) SUBMIT A BINDING OFFER TO PURCHASE THE MOBILE HOME FOR THE GREATER OF:

(I) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A SINGLE-SECTION MOBILE HOME OR TEN THOUSAND DOLLARS FOR A MULTI-SECTION MOBILE HOME; OR

(II) ONE HUNDRED PERCENT OF THE IN-PLACE FAIR MARKET VALUE AS DETERMINED THROUGH THE APPRAISAL PROCESS SET FORTH IN THIS SUBSECTION (2)(b)(II). WITHIN THIRTY DAYS OF SUBMITTING THE OFFER, THE LANDLORD SHALL HIRE A LICENSED, CERTIFIED RESIDENTIAL, OR CERTIFIED GENERAL APPRAISER FROM THE ACTIVE APPRAISERS LIST PUBLISHED BY THE DIVISION OF REAL ESTATE IN THE DEPARTMENT OF REGULATORY AGENCIES TO CONDUCT THE APPRAISAL. IF THE HOME OWNER DISPUTES THE APPRAISED VALUE OF THE MOBILE HOME, THE HOME OWNER MAY HIRE A LICENSED, CERTIFIED RESIDENTIAL, OR CERTIFIED GENERAL APPRAISER FROM THE ACTIVE APPRAISERS LIST TO OBTAIN A SECOND APPRAISAL AT THE HOME OWNER'S EXPENSE. TO BE CONSIDERED, THE HOME OWNER MUST OBTAIN THE APPRAISAL WITHIN SIXTY DAYS OF RECEIPT OF THE LANDLORD'S APPRAISAL. THE RESULTS OF ALL APPRAISALS SHALL BE PROVIDED IN WRITING BY THE APPRAISER TO BOTH LANDLORD AND HOME OWNER. IF A SECOND APPRAISAL IS OBTAINED, THE HOME OWNER IS ENTITLED TO THE AVERAGE OF THE APPRAISALS OBTAINED BY THE

LANDLORD AND THE HOME OWNER. IF THE HOME OWNER IS NOT SATISFIED WITH THE APPRAISAL OR APPRAISALS RECEIVED, THE HOME OWNER MAY SUBMIT A REQUEST FOR PAYMENT OF RELOCATION COSTS AS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION. IF THE HOME OWNER EXERCISES THE OPTION FOR PURCHASE UNDER THIS SUBSECTION (2)(b)(II), THE SALE CLOSING MUST OCCUR PRIOR TO THE DATE OF THE CHANGE IN USE SET FORTH IN THE NOTICE PROVIDED PURSUANT TO SECTION 38-12-203 (1)(d)(II).

(3) IF AN APPRAISER CONDUCTING AN APPRAISAL PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION IDENTIFIES LACK OF MAINTENANCE, DEFERRED MAINTENANCE, OR DETERIORATION OF THE MOBILE HOME PARK BEYOND NORMAL WEAR AND TEAR THAT NEGATIVELY AFFECTS THE VALUE OF A MOBILE HOME, THE APPRAISER SHALL DETERMINE THE VALUE OF THE HOME WITH AN UPWARD ADJUSTMENT IN VALUE IF NECESSARY TO ELIMINATE THE NEGATIVE EFFECT IN VALUE CAUSED BY THE LACK OF MAINTENANCE, DEFERRED MAINTENANCE, OR DETERIORATION OF THE PARK BEYOND NORMAL WEAR AND TEAR.

(4) ON JULY 1, 2024, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL ADJUST THE AMOUNT SPECIFIED IN SUBSECTION (2)(b)(I) OF THIS SECTION IN ACCORDANCE WITH THE PERCENTAGE CHANGE FOR THE PREVIOUS TWELVE MONTHS AT THE TIME OF THE CALCULATION IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. THE DEPARTMENT SHALL PUBLISH THE ADJUSTED AMOUNT ON THE DEPARTMENT'S WEBSITE.

(5) A HOME OWNER IS ENTITLED TO THE REMEDIES PROVIDED UNDER THIS SECTION ONLY IF THE HOME OWNER HAS NOT GIVEN NOTICE TO TERMINATE THE HOME OWNER'S LEASE OR RENTAL AGREEMENT AS OF THE DATE OF THE NOTICE OF THE CHANGE IN USE.

(6) ANY AGREEMENT MADE WITH A HOME OWNER TO WAIVE ANY RIGHTS UNDER THIS SECTION IS INVALID AND INEFFECTIVE FOR ANY PURPOSE.

SECTION 7. In Colorado Revised Statutes, 38-12-204, **add** (4) and (5) as follows:

38-12-204. Nonpayment of rent - notice required for rent increase - limitation on rent increases - repeal. (4) A LANDLORD SHALL NOT INCREASE RENT ON A MOBILE HOME PARK LOT IF THE PARK:

(a) DOES NOT HAVE A CURRENT, ACTIVE REGISTRATION FILED WITH THE DIVISION OF HOUSING IN ACCORDANCE WITH SECTION 38-12-1106;

(b) HAS ANY UNPAID PENALTIES OWED TO THE DIVISION OF HOUSING; OR

(c) HAS NOT FULLY COMPLIED WITH ANY FINAL AGENCY ORDER ISSUED BY THE DIVISION OF HOUSING.

(5) A NOTICE OF A RENT INCREASE ISSUED IN VIOLATION OF THIS SECTION IS INVALID AND HAS NO FORCE AND EFFECT.

SECTION 8. In Colorado Revised Statutes, **amend** 38-12-206 as follows:

38-12-206. Home owner meetings - assembly in common areas - meeting hosted by landlord. (1) Home owners shall have the right to meet and establish a homeowners' association. Meetings of home owners or the homeowners' association relating to mobile home living and affairs in their park common area, community hall, or recreation hall, if such a facility or similar facility exists, shall not be subject to prohibition by the park management if the common area or hall is reserved according to the park rules and such meetings are held at reasonable hours and when the facility is not otherwise in use; except that no such meetings shall be held in the streets or thoroughfares of the mobile home park.

(2) THE MANAGEMENT SHALL NOT CHARGE HOME OWNERS OR RESIDENTS A FEE TO MEET IN COMMON BUILDINGS OR SPACES IN THE PARK, INCLUDING ANY COMMON AREA, COMMUNITY HALL, OR RECREATION HALL; EXCEPT THAT THE MANAGEMENT MAY CHARGE FOR THE REASONABLE COSTS OF CLEANING OR REPAIRING ACTUAL DAMAGES INCURRED. THE MANAGEMENT MAY RECUPERATE THE COST OF REPAIRS FOR ACTUAL DAMAGES BEYOND NORMAL WEAR AND TEAR THAT WERE CAUSED BY A HOME OWNER BY RETAINING A PORTION OF A HOME OWNER'S SECURITY DEPOSIT.

(3) IF REQUESTED BY A HOME OWNER OR RESIDENT, THE LANDLORD OF A MOBILE HOME PARK SHALL, WITHIN THIRTY DAYS OF RECEIVING THE REQUEST, HOST AND ATTEND A FREE, PUBLIC, ACCESSIBLE MEETING FOR RESIDENTS OF THE PARK; EXCEPT THAT A LANDLORD IS NOT REQUIRED TO HOST AND ATTEND MORE THAN TWO MEETINGS IN A CALENDAR YEAR. NOTICE OF THE DATE, TIME, AND LOCATION OF THE MEETING MUST BE POSTED IN BOTH ENGLISH AND SPANISH IN A CLEARLY VISIBLE LOCATION IN COMMON AREAS OF THE MOBILE HOME PARK, INCLUDING ANY COMMUNITY HALL OR RECREATION HALL, FOR A PERIOD OF SEVEN DAYS BEFORE THE MEETING AND MUST BE PROVIDED BY MAIL AT LEAST FOURTEEN DAYS BEFORE THE MEETING TO EACH HOME OWNERS' ASSOCIATION, RESIDENTS' ASSOCIATION, OR SIMILAR BODY THAT REPRESENTS THE RESIDENTS OF THE PARK. IN ADDITION TO MAILING THE NOTICE AS REQUIRED BY THIS SECTION, THE LANDLORD SHALL PROVIDE NOTICE OF THE MEETING BY E-MAIL TO EACH HOME OWNER AND RESIDENT WHO HAS AN E-MAIL ADDRESS ON FILE WITH THE LANDLORD.

SECTION 9. In Colorado Revised Statutes, 38-12-209, **repeal** (3) and (4) as follows:

38-12-209. Entry fees prohibited - security deposit. (3) ~~The trial judge may award court costs and attorney fees in any court action brought pursuant to any provision of this part 2 to the prevailing party upon finding that the prevailing party undertook the court action and legal representation for a legally sufficient reason and not for a dilatory or unfounded cause.~~

(4) ~~The management or a resident may bring a civil action for violation of the rental agreement or any provision of this part 2 in the appropriate court of the county in which the park is located. Either party may recover actual damages or the court may in its discretion award such equitable relief as it deems necessary, including the enjoining of either party from further violations.~~

SECTION 10. In Colorado Revised Statutes, 38-12-211, **amend** (1) as follows:

38-12-211. Selling and transfer fees prohibited - "for sale" signs permitted.

(1) ~~Neither the owner of a mobile home park nor the owner's agent may~~ A LANDLORD SHALL NOT require payment of any type of selling fee or transfer fee by ~~either~~ a home owner in the park wishing to sell the home owner's mobile home to another party, A HOME OWNER WISHING TO REMOVE THE HOME OWNER'S MOBILE HOME FROM THE PARK, or ~~by~~ any party wishing to buy a mobile home from a home owner in the park as a condition of tenancy in a park for the prospective buyer. THIS SUBSECTION (1) DOES NOT PROHIBIT THE LANDLORD FROM CHARGING A RENTAL APPLICATION FEE THAT COMPLIES WITH SECTION 38-12-903 IF THE PROSPECTIVE BUYER IS BUYING THE MOBILE HOME IN PLACE AND IS APPLYING FOR TENANCY IN THE PARK.

SECTION 11. In Colorado Revised Statutes, 38-12-212.3, **amend** (1)(b) introductory portion, (1)(b)(II), (3), (4)(b), (5), (6) introductory portion, (6)(c), and (6)(d) as follows:

38-12-212.3. Responsibilities of landlord - acts prohibited. (1) (b) If a landlord fails to maintain or repair the items described in subsection (1)(a)(II) OR (2)(b) of this section:

(II) The landlord is responsible for and shall pay the cost of providing alternative sources of potable water and maintaining portable toilets, which portable toilets are located reasonably near affected mobile homes in a manner that renders them accessible to people with disabilities, no later than ~~twenty-four~~ TWELVE hours after the service disruption begins, unless conditions beyond the landlord's control prevent compliance with this subsection (1)(b)(II); and

(3) A landlord shall not require a resident to assume any of the responsibilities described in subsection (1) or (2) of this section as a condition of ~~any home owner's~~ tenancy in the park.

(4) Nothing in this section may be construed as:

(b) Restricting a landlord from requiring a home owner OR RESIDENT to comply with rules and regulations of the park that are enforceable pursuant to section 38-12-214 or with terms of the rental agreement and any covenants binding upon the landlord or home owner OR RESIDENT, including covenants running with the land that pertain to the cleanliness of the home owner's OR RESIDENT'S lot and routine lawn and yard maintenance, and excluding major landscaping projects.

(5) A landlord shall establish and maintain an emergency contact number, post the number in common areas of the park, and communicate the number to home owners AND RESIDENTS in each rental agreement and each revision of the park rules and regulations. A home owner OR RESIDENT who uses the emergency contact number in a timely manner to report a problem with a condition described in subsection (1) or (2) of this section is deemed to have provided notice to the landlord of the problem.

(6) If a landlord fails to comply with the requirements of this section, a home owner of the park may file a complaint with the division of housing pursuant to the "Mobile Home Park Act Dispute Resolution and Enforcement Program" created in

section 38-12-1104. ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, A RESIDENT WHO DOES NOT OWN A MOBILE HOME IN THE PARK, A LOCAL GOVERNMENT, OR A NONPROFIT MAY FILE SUCH A COMPLAINT. If the division finds by a written determination that the landlord has violated this section, the division may:

(c) Require the landlord to reduce the rent owed by a home owner OR RESIDENT on a prorated basis to reflect the home owner's OR RESIDENT'S loss of use of the mobile home space; or

(d) Require the landlord to compensate a home owner OR RESIDENT for housing expenses on a per diem basis if the home owner OR RESIDENT is displaced from the home owner's mobile home as a result of the landlord's violation.

SECTION 12. In Colorado Revised Statutes, 38-12-212.4, **amend** (1) introductory portion, (1)(a), (1)(b), (2), (3), (4), (5), and (6) as follows:

38-12-212.4. Required disclosure and notice of water usage and billing - responsibility for leaks. (1) If the management charges home owners OR RESIDENTS individually for water usage in the park, then, on or before January 31 of each year, the management shall provide to each home owner AND RESIDENT and post in BOTH ENGLISH AND SPANISH in a clearly visible location in at least one common area of the mobile home park the following information:

(a) The methodology by which the management calculates the amount charged to each home owner OR RESIDENT for water usage on the home owner's OR RESIDENT'S lot;

(b) The methodology by which the management calculates the amount charged to each home owner OR RESIDENT for water usage in common areas of the mobile home park; and

(2) If the management charges home owners OR RESIDENTS for water usage in the park, whether individually or in an aggregate amount, the management shall provide to each home owner OR RESIDENT a monthly water bill that indicates the amount owed by the home owner OR RESIDENT, the total amount owed by all the residents in the mobile home park, and, if the management purchases the water from a provider, the total amount paid by the management to the provider.

(3) The management shall not charge a home owner OR RESIDENT for any costs in addition to the actual cost of water billed to the management.

(4) The management shall use a methodology that is reasonable, equitable, and consistent for billing home owners OR RESIDENTS for any type of water usage.

(5) If the management learns of a leak in a water line inside the park, the management shall notify each home owner AND RESIDENT of the leak within twenty-four hours.

(6) The management shall not bill a home owner OR RESIDENT for any water usage that is caused by a leak in a water line inside the park.

SECTION 13. In Colorado Revised Statutes, 38-12-212.5, **amend** (1), (2) introductory portion, (3)(a), and (5); and **add** (2)(e) and (4.5) as follows:

38-12-212.5. Prohibition on retaliation and harassment. (1) The management shall not take retaliatory action against a home owner OR RESIDENT who exercises any right conferred upon the home owner OR RESIDENT by this part 2, part 11 of this article 12, or any other provision of law.

(2) Except as described in subsection (3) of this section, in an action or administrative proceeding by or against a home owner OR RESIDENT, the management's action is presumed to be retaliatory if, within the one hundred twenty days preceding the management's action, the home owner OR RESIDENT:

(e) PARTICIPATED IN A VOTE OR DECISION MAKING PROCESS CONCERNING THE OPPORTUNITY TO PURCHASE THE MOBILE HOME PARK PURSUANT TO SECTION 38-12-217.

(3) The presumption of retaliatory action described in subsection (2) of this section does not apply to an action or administrative hearing where the management:

(a) Addresses nonpayment of rent by a home owner OR RESIDENT, as described in section 38-12-204; or

(4.5) THE MANAGEMENT SHALL NOT:

(a) HARASS, INTIMIDATE, OR THREATEN, OR ATTEMPT TO HARASS, INTIMIDATE, OR THREATEN, ANY PERSON FOR FILING OR ATTEMPTING TO FILE A COMPLAINT, JOINING OR ATTEMPTING TO JOIN AN ASSOCIATION OF RESIDENTS OR HOME OWNERS, ENGAGING IN ACTIVITIES TO PROMOTE THE ORGANIZING AND EDUCATION OF RESIDENTS AND HOME OWNERS, OR VOTING OR ATTEMPTING TO VOTE ON A MATTER BEFORE THE ASSOCIATION OF RESIDENTS OR HOME OWNERS; OR

(b) COERCE OR REQUIRE A PERSON TO SIGN AN AGREEMENT.

(5) The rights and remedies provided by this section are available to home owners AND RESIDENTS in addition to the anti-retaliation protection provided in section 38-12-1105 (13).

SECTION 14. In Colorado Revised Statutes, 38-12-213, **amend** (5) introductory portion; and **add** (5)(b.5) and (7) as follows:

38-12-213. Rental agreement - disclosure of terms in writing - prohibited provisions. (5) A rental agreement ~~may~~ SHALL not include any provision:

(b.5) THAT REQUIRES A HOME OWNER TO WAIVE THE OPPORTUNITY TO PURCHASE THE PARK ALLOWED UNDER SECTION 38-12-217.

(7) IT IS A VIOLATION OF THIS PART 2 FOR THE MANAGEMENT TO REQUIRE A HOME OWNER TO SIGN A NEW LEASE OR AGREEMENT IN VIOLATION OF THIS SECTION OR TO MISLEAD A HOME OWNER ABOUT THE HOME OWNER'S OBLIGATION TO SIGN A NEW

LEASE OR AGREEMENT.

SECTION 15. In Colorado Revised Statutes, 38-12-214, **amend** (1) introductory portion, (1)(e), (2), and (3)(a); and **add** (2.5) and (2.7) as follows:

38-12-214. Rules and regulations - amendments - notice - complaints.

(1) The management shall adopt written rules and regulations concerning RESIDENTS' OR home owners' use and occupancy of the premises. Except as otherwise provided in this section, such rules and regulations are enforceable against a RESIDENT OR home owner only if:

(e) They are established in the rental agreement at the inception of the tenancy, amended subsequently with the WRITTEN consent of the home owner, or, except as described in subsection (2) of this section, amended subsequently without the WRITTEN consent of the home owner after the management has provided written notice of the amendments to the home owner at least sixty days before the amendments become effective, and, if applicable, enforced in compliance with subsection (3) of this section.

(2) When a mobile home OR ANY ACCESSORY BUILDING OR STRUCTURE is owned by a person other than the owner of the mobile home park in which the mobile home is located, the mobile home ~~is~~ AND ACCESSORY BUILDING OR STRUCTURE ARE EACH a separate unit of ownership. ~~and rules and regulations that impose~~ THE ACCESSORY BUILDING OR STRUCTURE ARE EACH PRESUMED TO BE OWNED BY THE OWNER OF THE MOBILE HOME UNLESS THERE IS A WRITTEN AGREEMENT ESTABLISHING OWNERSHIP BY ANOTHER PERSON. IF A RULE OR REGULATION REQUIRES A HOME OWNER TO INCUR A COST OR IMPOSES restrictions or requirements on ~~that separate unit that are adopted after the home owner signs the rental agreement and without the consent of the home owner~~ are THE HOME OWNER'S RIGHT TO CONTROL WHAT HAPPENS IN OR TO THEIR MOBILE HOME AND ANY ACCESSORY BUILDING OR STRUCTURE AS A SEPARATE UNIT OF OWNERSHIP, INCLUDING WITHOUT LIMITATION, TO CONTROL THE STRUCTURE AND APPEARANCE OF THE MOBILE HOME, BUILDING, OR STRUCTURE; WHO VISITS THE MOBILE HOME, BUILDING, OR STRUCTURE OR WHO RESIDES IN THE MOBILE HOME, BUILDING, OR STRUCTURE, PROVIDED THE PERSON WHO RESIDES IN THE MOBILE HOME, BUILDING, OR STRUCTURE WAS PREVIOUSLY APPROVED AS A RESIDENT OF THE PARK; AND LAWFUL ACTIVITIES TAKING PLACE IN THE MOBILE HOME, BUILDING, OR STRUCTURE THE RULE OR REGULATION IS presumed unreasonable. ~~Nothing in this subsection (2) prohibits the management from requiring compliance with park rules and regulations at the time of sale or transfer to a new owner; except that, as used in this subsection (2), "transfer" does not include a transfer of ownership pursuant to death or divorce or a transfer of ownership to a new co-owner pursuant to marriage~~ PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION UNLESS MANAGEMENT DEMONSTRATES THAT THE RULE OR REGULATION:

(a) IS STRICTLY NECESSARY TO PROTECT THE HEALTH AND SAFETY OF PARK RESIDENTS AND THE RULE OR REGULATION PROVIDES THE PROTECTION AT THE LOWEST EXPENSE TO HOME OWNERS AS IS REASONABLY POSSIBLE;

(b) IS STRICTLY NECESSARY TO COMPLY WITH OR ENFORCE A FEDERAL, STATE, OR LOCAL GOVERNMENT REQUIREMENT, INCLUDING LOCAL NUISANCE LAWS ENFORCED

FOR THE WELFARE OF OTHER RESIDENTS;

(c) IS VOLUNTARILY AGREED TO BY THE HOME OWNER, WITHOUT COERCION OR MISREPRESENTATION BY MANAGEMENT, IN WHICH CASE THE RULE OR REGULATION IS ONLY BINDING UPON HOME OWNERS WHO HAVE COMMUNICATED THEIR WRITTEN CONSENT TO THE RULE OR REGULATION; OR

(d) IN A MOBILE HOME PARK MANAGED BY HOME OWNERS, WAS ESTABLISHED BY THE MANAGING HOME OWNER ORGANIZATION IN ACCORDANCE WITH THE ORGANIZATION'S BYLAWS AND MORE THAN FIFTY PERCENT OF THE HOME OWNERS ARE MEMBERS OF THE ORGANIZATION.

(2.5)(a) SUBSECTION (2) OF THIS SECTION DOES NOT PROHIBIT THE MANAGEMENT FROM REQUIRING COMPLIANCE BY A NEW HOME OWNER WITH PARK RULES AND REGULATIONS THAT WERE NOT ENFORCEABLE AGAINST THE PREVIOUS HOME OWNER AFTER THE SALE OR TRANSFER OF A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE AS DESCRIBED IN SUBSECTION (2.5)(b) OF THIS SECTION PROVIDED THAT THE RULES OR REGULATIONS COMPLY WITH THIS SECTION AND HAVE BEEN DULY NOTICED TO ALL HOME OWNERS AND RESIDENTS, INCLUDING THE SELLER, PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION; EXCEPT THAT, AS USED IN THIS SUBSECTION (2.5), "TRANSFER" DOES NOT INCLUDE A TRANSFER OF OWNERSHIP PURSUANT TO DEATH OR DIVORCE OR A TRANSFER OF OWNERSHIP TO A NEW CO-OWNER WHO IS AN IMMEDIATE FAMILY MEMBER, SPOUSE, OR DOMESTIC PARTNER OF THE HOME OWNER.

(b) THE MANAGEMENT SHALL NOT REQUIRE A HOME OWNER SELLING A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE TO ENSURE THAT THE MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE COMPLIES WITH ANY RULES OR REGULATIONS BY THE CLOSING DATE OF THE SALE OR TO BEAR THE COSTS OF COMPLIANCE WITH ANY SUCH RULES OR REGULATIONS. IF THE MANAGEMENT REQUIRES ALL PROSPECTIVE BUYERS TO COMPLY WITH SUCH RULES AND REGULATIONS AS A CONDITION OF GAINING TENANCY IN THE PARK, THE MANAGEMENT SHALL PROMPTLY PROVIDE A WRITTEN LIST OF ITEMS FOR WHICH THE MANAGEMENT REQUIRES ACTION TO THE SELLER UPON RECEIVING NOTICE THAT THE MOBILE HOME IS FOR SALE. THE SELLER SHALL PROVIDE THE LIST TO ALL PROSPECTIVE BUYERS AND THE MANAGEMENT SHALL PROVIDE THE LIST TO THE BUYER UPON RECEIVING AN APPLICATION FOR TENANCY. THE MANAGEMENT SHALL ALLOW A REASONABLE AMOUNT OF TIME AFTER CLOSING FOR THE BUYER TO BRING THE MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE INTO COMPLIANCE, WHICH MUST BE AT LEAST THIRTY DAYS FROM THE CLOSING DATE.

(2.7)(a) NOTWITHSTANDING ANY RENTAL AGREEMENT, THE MANAGEMENT SHALL NOT INTERFERE WITH A HOME OWNER'S RIGHT TO SELL A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE, IN PLACE OR OTHERWISE, TO A BUYER OF THE HOME OWNER'S CHOOSING REGARDLESS OF THE AGE OF THE HOME EXCEPT AS NECESSARY FOR THE MANAGEMENT TO ENSURE:

(I) COMPLIANCE WITH PARK-WIDE AFFORDABILITY RESTRICTIONS, INCLUDING REQUIREMENTS FOR OWNER OCCUPANCY;

(II) THE FINANCIAL ABILITY OF THE HOME BUYER TO COMPLY WITH THE BUYER'S OBLIGATIONS AS A NEW TENANT;

(III) COMPLIANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL LAW; AND

(IV) THE ABSENCE OF A HOME BUYER'S RELEVANT CRIMINAL HISTORY THAT WOULD INDICATE A REASONABLE CHANCE OF RISK TO OTHER RESIDENTS IN ACCORDANCE WITH SECTION 38-12-904 (1)(b).

(b) A PROVISION IN A RENTAL AGREEMENT THAT LIMITS OR RESTRICTS A HOME OWNER'S RIGHT TO SELL A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE TO A BUYER OF THE HOME OWNER'S CHOOSING OTHER THAN AS ALLOWED BY THIS SUBSECTION (2.7) IS UNENFORCEABLE.

(3) (a) If the management provides each home owner written notice of the management's intent to add or amend any written rule or regulation as described in subsection (1)(e) of this section, a home owner may file a complaint challenging the rule, regulation, or amendment pursuant to section 38-12-1105 within sixty days after receiving the notice. If a home owner files such a complaint, and the new or amended rule or regulation will increase a cost to the home owner in an amount that equals or exceeds ten percent of the home owner's monthly rent obligation under the rental agreement, the management shall not enforce the rule, regulation, or amendment unless and until the parties reach an agreement concerning the rule, regulation, or amendment or the dispute resolution process concludes and the division of housing within the department of local affairs issues a written determination, pursuant to section 38-12-1105 (4), that the rule, regulation, or amendment does not constitute a violation of this part 2 and may be enforced. Notwithstanding any provision of part 11 of this article 12 to the contrary, as part of the complaint process described in section 38-12-1105, the management has the burden of establishing that the rule, regulation, or amendment satisfies the requirements described in ~~subsection (1)~~ SUBSECTIONS (1) AND (2) of this section.

SECTION 16. In Colorado Revised Statutes, 38-12-217, **amend** (1), (2), (3), (4)(a), (4)(b), (5) introductory portion, (5)(a), (5)(b), (6), (7), (8), (9), (10)(a), and (14)(a); and **repeal and reenact, with amendments**, (15) as follows:

38-12-217. Notice of change of use - notice of sale or closure of park - opportunity for home owners to purchase - procedures - exemptions - enforcement - private right of action - definition. (1) Except as specified in subsection (12) of this section:

(a) (I) ~~A mobile home park owner LANDLORD shall notify the owners of all mobile homes in the park and the municipality in which the park is situated or, if none, the county in which the park is situated~~ PROVIDE NOTICE of the park owner's LANDLORD'S intent to change the use of the land comprising the park or to sell the park WITHIN FOURTEEN DAYS OF A TRIGGERING EVENT DEMONSTRATING THE LANDLORD'S INTENT TO SELL. THE NOTICE MUST BE GIVEN IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION.

(II) A TRIGGERING EVENT REQUIRING NOTICE UNDER THIS SUBSECTION (1)(a) INCLUDES ANY TIME THE LANDLORD:

(A) SIGNS A CONTRACT WITH A REAL ESTATE BROKER OR BROKERAGE FIRM TO LIST THE PARK FOR SALE OR TO SELL OR TRANSFER THE PARK;

(B) SIGNS A LETTER OF INTENT, OPTION TO SELL OR BUY, OR OTHER CONDITIONAL WRITTEN AGREEMENT WITH A POTENTIAL BUYER FOR THE SALE OR TRANSFER OF THE PARK, WHICH INCLUDES THE ESTIMATED PRICE, TERMS, AND CONDITIONS OF THE PROPOSED SALE OR TRANSFER, EVEN IF SUCH PRICE, TERMS, OR CONDITIONS ARE SUBJECT TO CHANGE;

(C) SIGNS A CONTRACT WITH A POTENTIAL BUYER'S REAL ESTATE BROKER OR BROKERAGE FIRM RELATED TO THE POTENTIAL SALE OR TRANSFER OF THE PARK;

(D) ACCEPTS AN EARNEST MONEY PROMISSORY NOTE OR DEPOSIT FROM A POTENTIAL BUYER FOR THE SALE OR TRANSFER OF THE PARK;

(E) RESPONDS TO A POTENTIAL BUYER'S DUE DILIGENCE REQUEST FOR THE PARK;

(F) PROVIDES A SIGNED PROPERTY DISCLOSURE FORM FOR THE PARK TO A POTENTIAL BUYER;

(G) LISTS THE PARK FOR SALE;

(H) MAKES A CONDITIONAL ACCEPTANCE OF AN OFFER FOR THE SALE OR TRANSFER OF THE PARK;

(I) TAKES ANY OTHER ACTION DEMONSTRATING AN INTENT TO SELL THE PARK; OR

(J) RECEIVES A NOTICE OF ELECTION AND DEMAND OR LIS PENDENS RELATED TO FORECLOSURE OF THE PARK PURSUANT TO PART 1 OF ARTICLE 38 OF THIS TITLE 38 OR A NOTICE THAT A CERTIFICATE OF LEVY HAS BEEN FILED RELATED TO THE PARK PURSUANT TO SECTION 13-56-101;

~~(b) If a mobile home park owner intends~~ A LANDLORD SHALL PROVIDE NOTICE OF THE LANDLORD'S INTENT to change the use of the land comprising the mobile home park ~~the mobile home park owner shall give written notice to each home owner~~ IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION at least twelve months before the change in use will occur. ~~The mobile home park owner shall mail the written notice to each home owner at the home owner's most recent address and shall post a copy of the notice in a conspicuous place on the mobile home or at the main point of entry to the lot.~~

~~(c) No earlier than thirty~~ NINETY days after giving the notice required by ~~this subsection (1), or subsection (2)~~ SUBSECTION (1)(a) of this section, a ~~mobile home park owner~~ LANDLORD may post information in a public space in the mobile home park describing the method for providing a signed writing to the mobile home park owner related to the opportunity to purchase. The posting ~~may~~ MUST include standard forms CREATED BY THE DEPARTMENT OF LOCAL AFFAIRS related to the opportunity to purchase AND THE RIGHTS OF MOBILE HOME PARK OWNERS RELATED TO THE OPPORTUNITY TO PURCHASE, including a STANDARDIZED form DEVELOPED BY THE DEPARTMENT OF LOCAL AFFAIRS for providing notice that a ~~THE LANDLORD TO USE TO REQUEST THE SIGNATURES OF home owner does not wish~~ OWNERS WHO DECLINE to participate in efforts to purchase a community. If, no earlier than ~~thirty~~ NINETY days after a ~~mobile home park owner~~ LANDLORD provides the notice required by ~~this subsection (1), or subsection (2)~~ SUBSECTION (1)(a) of this section,

at least fifty percent of the home owners who reside in the park provide signed writings to the ~~mobile home park owner expressing no interest~~ LANDLORD DECLINING TO PARTICIPATE in purchasing the park, then the opportunity to purchase provided by subsection (4) of this section ~~shall terminate~~ TERMINATES even if the ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY period provided for in subsection (4)(a) of this section has not yet elapsed.

(d) A ~~mobile home park owner~~ LANDLORD shall not solicit or request a home owner's intention or a signed writing related to the opportunity to purchase during the initial ~~thirty~~ NINETY days after giving notice pursuant to ~~this subsection (1) or subsection (2)~~ SUBSECTION (1)(a) of this section. ~~At no time~~ During the time period for considering an opportunity to purchase, A LANDLORD shall ~~a mobile home park owner~~ NOT attempt to coerce, THREATEN, OR INTIMIDATE A HOME OWNER or provide any financial or in-kind incentives to a home owner to influence the ~~homeowner's~~ HOME OWNER'S VOTE OR decision AND SHALL NOT TAKE RETALIATORY ACTION AGAINST A HOME OWNER AFTER THE HOME OWNER'S VOTE OR DECISION. Any complaints alleging violation of this subsection (1) may be resolved under part 11 of this article 12 AND SUBSECTION (15) OF THIS SECTION.

(2) **Notice - requirements.** ~~In addition to the notice specified in subsection (1) of this section, and except as specified in subsection (12) of this section:~~

~~(a) A landlord shall give notice to each home owner in the mobile home park upon any of the following triggering events:~~

~~(I) The landlord lists the park for sale;~~

~~(II) The landlord intends to make a final, unconditional acceptance of an offer for the sale or transfer of the park; or~~

~~(III) The landlord receives:~~

~~(A) A notice of election and demand or lis pendens related to foreclosure of the park pursuant to part 1 of article 38 of this title 38; or~~

~~(B) Notice that a certificate of levy has been filed related to the park pursuant to section 13-56-101.~~

~~(b) Within fourteen days after the date on which any of the events described in subsection (2)(a) of this section occur,~~

(a) TO PROVIDE NOTICE AS REQUIRED BY SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION, the landlord shall mail the notice ~~required by this section~~ IN BOTH ENGLISH AND SPANISH by certified mail to:

(I) Each home owner, using the most recent address of the home owner, and shall post a copy of the notice in a conspicuous place on the mobile home or at the main point of entry to the lot;

(II) The municipality or, if the park is in an unincorporated area, the county within which the park is located;

(III) The division of housing in the department of local affairs; and

(IV) Each home owners' association, residents' association, or similar body that represents the residents of the park.

(b) IN ADDITION TO MAILING THE NOTICE, THE LANDLORD SHALL:

(I) PROVIDE THE NOTICE IN BOTH ENGLISH AND SPANISH BY E-MAIL TO EACH RESIDENT WHO HAS AN E-MAIL ADDRESS ON FILE WITH THE LANDLORD; AND

(II) (A) POST THE NOTICE IN BOTH ENGLISH AND SPANISH IN A CLEARLY VISIBLE LOCATION IN COMMON AREAS OF THE MOBILE HOME PARK, INCLUDING ANY COMMUNITY HALL OR RECREATION HALL. THE NOTICE MUST REMAIN PUBLICLY POSTED FOR A PERIOD OF AT LEAST ONE HUNDRED TWENTY DAYS FROM THE DATE IT IS POSTED OR UNTIL THE OPPORTUNITY TO PURCHASE HAS EXPIRED.

(B) THE LANDLORD SHALL MAKE A GOOD FAITH EFFORT TO COMPLY WITH THE NOTICE REQUIREMENT IN SUBSECTION (2)(b)(II)(A) OF THIS SECTION. A GOOD FAITH EFFORT BY THE LANDLORD TO COMPLY WITH THE NOTICE REQUIREMENT IN SUBSECTION (2)(b)(II)(A) OF THIS SECTION WILL NOT RENDER A SALE OF A PARK TO BE OUT OF COMPLIANCE WITH THIS SECTION.

(3) **Contents of notice.** The notice given pursuant to ~~subsection (1) or (2)~~ SUBSECTION (1)(a) of this section must include notice of home owners' rights AND REMEDIES under ~~subsections (4) to (9) of this section~~. If the triggering event involves a POTENTIAL sale, the notice must also include a description of the property to be purchased, and the price, terms, and conditions of an acceptable offer the landlord has received to sell the mobile home park or the price or terms and conditions for which the landlord intends to sell the park, AND ANY OTHER TERMS OR CONDITIONS WHICH, IF NOT MET, WOULD BE SUFFICIENT GROUNDS, IN THE LANDLORD'S DISCRETION, TO REJECT AN OFFER FROM A GROUP OF HOME OWNERS OR THEIR ASSIGNEES. THE PRICE, TERMS, AND CONDITIONS STATED IN THE NOTICE MUST BE UNIVERSAL AND APPLICABLE TO ALL POTENTIAL BUYERS, AND MUST NOT BE SPECIFIC TO AND PROHIBITIVE OF A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES MAKING A SUCCESSFUL OFFER TO PURCHASE THE PARK. The information regarding the proposed sale and the price, terms, and conditions of an acceptable offer may be shared for the purposes of evaluating or obtaining financing for the prospective transaction, but all persons who receive the information shall otherwise keep it confidential if the ~~park owner~~ LANDLORD or the ~~park owner's~~ LANDLORD'S agent so requests.

(4) **Offer to purchase - who may submit - time limits.** (a) A group or association of home owners or their assignees have ~~ninety~~ ONE HUNDRED TWENTY days after the date that the landlord mails a notice ~~under subsection (1) or (2)~~ REQUIRED BY SUBSECTION (1)(a) of this section to:

(I) Submit to the landlord a proposed purchase and sale agreement and

~~(II) obtain a binding commitment~~ AN OFFER for any necessary financing or guarantees; OR

(II) SUBMIT TO THE LANDLORD AN ASSIGNMENT AGREEMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

(b) Notwithstanding subsection (4)(a) of this section, if a foreclosure sale of the park is scheduled for less than ~~ninety~~ ONE HUNDRED TWENTY days after the landlord mails a notice ~~under subsection (1) or (2)~~ REQUIRED BY SUBSECTION (1)(a) of this section, the opportunity granted by subsection (4)(a) of this section terminates on the date of the foreclosure sale.

(5) **Landlord's duty to consider offer.** A landlord that ~~receives an offer pursuant to~~ HAS GIVEN NOTICE AS REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION shall: ~~not unreasonably refuse to:~~

(a) Provide documents, data, and other information in response to reasonable requests for information from a group or association of home owners or their assignees participating in the opportunity to purchase that would enable them to prepare an offer. The documents, data, and other information provided may be shared for the purposes of evaluating or obtaining financing for the prospective transaction, but all persons who receive the information shall otherwise keep it confidential if the ~~park owner~~ LANDLORD or the ~~park owner's~~ LANDLORD'S agent so requests.

(b) (I) Negotiate in good faith with a group or association of home owners or their assignees. ~~or~~

(II) FOR PURPOSES OF THIS SUBSECTION (5)(b), NEGOTIATING IN GOOD FAITH INCLUDES, BUT IS NOT LIMITED TO, EVALUATING AN OFFER TO PURCHASE FROM A GROUP OF HOME OWNERS OR THEIR ASSIGNEES WITHOUT CONSIDERATION OF THE TIME PERIOD FOR CLOSING, THE TYPE OF FINANCING OR PAYMENT METHOD, WHETHER OR NOT THE OFFER IS CONTINGENT ON FINANCING OR PAYMENT METHOD, OR WHETHER OR NOT THE OFFER IS CONTINGENT ON FINANCING, AN APPRAISAL, OR TITLE WORK, AND PROVIDING A WRITTEN RESPONSE WITHIN SEVEN CALENDAR DAYS OF RECEIVING AN OFFER FROM A GROUP OF HOME OWNERS OR THEIR ASSIGNEES. THE WRITTEN RESPONSE MUST ACCEPT OR REJECT THE OFFER, AND IF THE OFFER IS REJECTED, MUST STATE:

(A) THE CURRENT PRICE, TERMS, OR CONDITIONS OF AN ACCEPTABLE OFFER THAT THE LANDLORD HAS RECEIVED TO SELL THE MOBILE HOME PARK, IF THE PRICE, TERMS, OR CONDITIONS HAVE CHANGED SINCE THE LANDLORD GAVE NOTICE TO THE HOME OWNERS PURSUANT TO SUBSECTION (3) OF THIS SECTION; AND

(B) A WRITTEN EXPLANATION OF WHY THE LANDLORD IS REJECTING THE OFFER FROM A GROUP OF HOME OWNERS AND WHAT TERMS AND CONDITIONS MUST BE INCLUDED IN A SUBSEQUENT OFFER FOR THE LANDLORD TO POTENTIALLY ACCEPT IT.

(III) THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE OFFER STATED IN THE RESPONSE MUST BE UNIVERSAL AND APPLICABLE TO ALL POTENTIAL BUYERS, AND MUST NOT BE SPECIFIC TO AND PROHIBITIVE OF A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES MAKING A SUCCESSFUL OFFER TO PURCHASE THE PARK.

(6) Expiration of opportunity to purchase. (a) If the ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY period provided for in subsection (4)(a) of this section elapses and a group or association of home owners or their assignees have not submitted a proposed purchase and sale agreement or obtained a ~~binding~~ financial commitment, the group's or association's opportunities provided by this section terminate.

(b) A landlord shall give a group or association of home owners or their assignees an additional ~~ninety~~ ONE HUNDRED TWENTY days after the ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY period provided by subsection (4)(a) of this section to close on the purchase of the mobile home park.

(7) Extension or tolling of time. (a) The ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY periods described in subsections (4)(a) and (6)(b) of this section may be extended by written agreement between the landlord and the group or association of home owners or their assignees.

(b) (I) THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES ARE ENTITLED TO TOLLING OF THE TIME PERIODS DESCRIBED IN SUBSECTION (4)(a) AND (6)(b) OF THIS SECTION IN ANY OF THE FOLLOWING CIRCUMSTANCES:

(A) IF THERE IS A REASONABLE DELAY IN OBTAINING FINANCING OR A REQUIRED INSPECTION OR SURVEY OF THE LAND THAT IS OUTSIDE THE CONTROL OF THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES, THE TIME PERIOD IS TOLLED FOR THE DURATION OF THE DELAY;

(B) IF THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEE FILES A NONFRIVOLOUS COMPLAINT WITH THE DEPARTMENT OF LOCAL AFFAIRS ALLEGING A VIOLATION OF THIS SECTION, THE TIME PERIOD IS TOLLED UNTIL THE DEPARTMENT OF LOCAL AFFAIRS ISSUES A WRITTEN NOTICE OF VIOLATION OR NOTICE OF NONVIOLATION THAT HAS BECOME A FINAL AGENCY ORDER DETERMINING WHETHER A VIOLATION HAS OCCURRED OR THE PARTIES REACH A RESOLUTION BY SIGNING A SETTLEMENT AGREEMENT APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS; AND

(C) IF THE GROUP OR ASSOCIATION OF HOME OWNERS HAS ATTEMPTED TO ASSIGN THEIR RIGHTS PURSUANT TO SUBSECTION (8) OF THIS SECTION, THE TIME PERIOD IS TOLLED FROM THE TIME THE GROUP OR ASSOCIATION MAKES THE OFFER OF ASSIGNMENT UNTIL THE POTENTIAL ASSIGNEE EITHER CONFIRMS IN WRITING THAT THE OFFER IS REJECTED OR A WRITTEN ASSIGNMENT CONTRACT IS EXECUTED; EXCEPT THAT THE TIME PERIOD SHALL NOT BE TOLLED FOR MORE THAN NINETY DAYS PURSUANT TO THIS SUBSECTION (7)(b)(I)(C).

(8) Assignment of right to purchase. (a) A group or association of home owners or their assignees that have the opportunity to purchase under subsection (4) of this section may assign their purchase right to a local ~~or state~~ government, tribal government, housing authority, ~~or~~ nonprofit with expertise related to housing, or to THE STATE OR an agency of the state, for the purpose of continuing the use of the park.

(b) (I) IF A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES COMPRISING MORE THAN FIFTY PERCENT OF HOME OWNERS IN A PARK CHOOSE TO

ASSIGN THEIR RIGHTS TO A PUBLIC ENTITY UNDER THIS SUBSECTION (8), THE HOME OWNERS OR THEIR ASSIGNEES SHALL ENTER INTO A WRITTEN ASSIGNMENT CONTRACT WITH THE PUBLIC ENTITY. THE ASSIGNMENT CONTRACT MUST INCLUDE THE TERMS AND CONDITIONS OF THE ASSIGNMENT AND FOR HOW THE PARK WILL BE OPERATED IF THE PUBLIC ENTITY PURCHASES THE PARK. THE ASSIGNMENT CONTRACT MUST PROVIDE THAT THE TERMS AND CONDITIONS ARE APPLICABLE TO ANY DESIGNEE SELECTED BY THE PUBLIC ENTITY PURSUANT TO SUBSECTION (8)(b)(II) OF THIS SECTION. THE TERMS AND CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(A) ANY DEED RESTRICTIONS THAT MAY BE REQUIRED OR PERMITTED REGARDING THE LOTS OR THE HOUSES IN THE PARK;

(B) ANY RESTRICTIONS ON RENT OR FEE INCREASES THAT APPLY IF THE PUBLIC ENTITY PURCHASES THE PARK;

(C) ANY REQUIRED CONDITIONS, SUCH AS THE REQUIRED DEMONSTRATION OF APPROVAL FROM HOME OWNERS, FOR REDEVELOPING OR CHANGING THE USE OF SOME OR ALL OF THE PARK;

(D) A MANAGEMENT AGREEMENT FOR HOW THE PARK WILL BE OPERATED IF THE PUBLIC ENTITY PURCHASES THE PARK;

(E) ANY CHANGES TO PARK RULES OR REGULATIONS THAT APPLY IF THE PUBLIC ENTITY PURCHASES THE PARK; AND

(F) ANY AGREEMENT BETWEEN THE PARTIES REGARDING THE TRANSFER OF STATUTORY RESPONSIBILITIES ASSOCIATED WITH MANAGING THE PARK, AND ANY LIMITATIONS OR WAIVERS OF LIABILITY.

(II) A PUBLIC ENTITY SHALL ONLY EXERCISE ITS RIGHT OF FIRST REFUSAL FOR THE PURPOSE OF PRESERVING THE MOBILE HOME PARK AS LONG-TERM AFFORDABLE HOUSING. THE PUBLIC ENTITY MAY DESIGNATE A HOUSING AUTHORITY OR OTHER POLITICAL SUBDIVISION TO PURCHASE THE PARK PURSUANT TO THE PUBLIC ENTITY'S RIGHT OF FIRST REFUSAL FOR THIS PURPOSE IF THE OPTION FOR A DESIGNATION IS EXPRESSLY AGREED TO IN THE ASSIGNMENT CONTRACT.

(III) THE PUBLIC ENTITY OR ITS DESIGNEE SHALL PROMPTLY PROVIDE NOTICE OF THE ASSIGNMENT CONTRACT TO THE LANDLORD.

(c)(I) IF A LANDLORD RECEIVES NOTICE THAT A GROUP OR ASSOCIATION OF HOME OWNERS HAS ENTERED AN ASSIGNMENT CONTRACT WITH A PUBLIC ENTITY PURSUANT TO SUBSECTION (8)(b) OF THIS SECTION, THE LANDLORD SHALL PROVIDE A RIGHT OF FIRST REFUSAL TO THE PUBLIC ENTITY OR ITS DESIGNEE. ANY PURCHASE AND SALE AGREEMENT ENTERED INTO BY THE LANDLORD MUST BE CONTINGENT UPON THE RIGHT OF FIRST REFUSAL OF THE PUBLIC ENTITY OR ITS DESIGNEE TO PURCHASE THE MOBILE HOME PARK.

(II) WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF AN ASSIGNMENT CONTRACT, THE LANDLORD SHALL PROVIDE THE PUBLIC ENTITY OR ITS DESIGNEE WITH THE TERMS UPON WHICH THE LANDLORD WOULD ACCEPT AN OFFER TO SELL THE PARK OR A CONTINGENT PURCHASE AND SALE AGREEMENT THAT IS EFFECTIVE

UPON ITS EXECUTION. THE PUBLIC ENTITY HAS ONE HUNDRED TWENTY DAYS FROM THE DATE THE PUBLIC ENTITY OR ITS DESIGNEE RECEIVES THE TERMS OR CONTINGENT PURCHASE AND SALE AGREEMENT TO NOTIFY THE LANDLORD OF THE PUBLIC ENTITY'S INTENT TO PURCHASE THE MOBILE HOME PARK OR OF THE PUBLIC ENTITY'S INTENT TO FACILITATE THE PURCHASE OF THE MOBILE HOME PARK BY ITS DESIGNEE.

(III) THE LANDLORD SHALL SELL THE MOBILE HOME PARK TO THE PUBLIC ENTITY OR ITS DESIGNEE IF, WITHIN THE ONE-HUNDRED-TWENTY-DAY PERIOD, THE PUBLIC ENTITY OR ITS DESIGNEE:

(A) NOTIFIES THE LANDLORD OF ITS INTENT TO PURCHASE THE PARK OR FACILITATE THE PURCHASE OF THE PARK BY ITS DESIGNEE;

(B) ACCEPTS THE CONTINGENT PURCHASE AND SALE AGREEMENT PROVIDED BY THE LANDLORD OR OFFERS THE LANDLORD TERMS THAT ARE ECONOMICALLY SUBSTANTIALLY IDENTICAL TO THE TERMS OF THE CONTINGENT PURCHASE AND SALE AGREEMENT OR TO THE TERMS THE LANDLORD PROVIDED PURSUANT TO SUBSECTION (8)(c)(II) OF THIS SECTION; AND

(C) COMMITS TO CLOSE WITHIN ONE HUNDRED TWENTY DAYS FROM THE DATE THE PUBLIC ENTITY OR ITS DESIGNEE AND THE OWNER SIGN A PURCHASE AND SALE AGREEMENT.

(IV) FOR THE PURPOSE OF DETERMINING WHETHER THE TERMS OF AN OFFER ARE ECONOMICALLY SUBSTANTIALLY IDENTICAL UNDER SUBSECTION (8)(c)(III)(B) OF THIS SECTION, IT IS IMMATERIAL HOW THE OFFER WOULD BE FINANCED.

(d) A LANDLORD SHALL NOT TAKE ANY ACTION THAT WOULD PRECLUDE THE PUBLIC ENTITY OR ITS DESIGNEE FROM SUCCEEDING TO THE RIGHTS OF AND ASSUMING THE OBLIGATIONS OF THE DESIGNEE OF THE TERMS OF THE CONTINGENCY PURCHASE AND SALE AGREEMENT OR NEGOTIATING WITH THE LANDLORD FOR THE PURCHASE OF THE MOBILE HOME PARK DURING THE NOTICE PERIODS IDENTIFIED IN THIS SECTION.

(e) IN ADDITION TO ANY OTHER TIMES, DURING THE NOTICE PERIODS IDENTIFIED IN THIS SECTION, A PUBLIC ENTITY MAY PURSUE PRESERVATION OF THE MOBILE HOME PARK AS AFFORDABLE HOUSING THROUGH NEGOTIATION FOR PURCHASE OR THROUGH CONDEMNATION.

(f) AS USED IN THIS SUBSECTION (8), "PUBLIC ENTITY" MEANS THE STATE, AN AGENCY OF THE STATE, A LOCAL GOVERNMENT, A TRIBAL GOVERNMENT, OR ANY POLITICAL SUBDIVISION OF THE STATE, A LOCAL GOVERNMENT, OR A TRIBAL GOVERNMENT.

(9) Independence of time limits and notice provisions. (a) EXCEPT AS PROVIDED IN SUBSECTION (9)(b) OF THIS SECTION, ~~each occurrence of a triggering event listed in subsection (1) or (2)~~ SUBSECTION (1)(a) of this section creates an independent, ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY opportunity to purchase for the group or association of home owners or their assignees. If a ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY opportunity to purchase is in effect and a new triggering event occurs, the ongoing ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY time

period terminates and a new ~~ninety-day~~ ONE-HUNDRED-TWENTY-DAY time period begins on the latest date on which the landlord gives notice, as required by ~~subsection (1)~~ SUBSECTION (1)(a) or (2) of this section, of the new triggering event.

(b)(I) A LANDLORD IS NOT REQUIRED TO PROVIDE A NEW OR SUBSEQUENT NOTICE OF INTENT TO SELL FOR EACH TRIGGERING EVENT LISTED IN SUBSECTION (1)(a) OF THIS SECTION IF:

(A) THE NEW DEMONSTRATION OF INTENT OCCURS WITHIN SIXTY CALENDAR DAYS OF THE CERTIFIED MAILING OF THE MOST RECENT NOTICE UNDER SUBSECTION (2) OF THIS SECTION; AND

(B) THERE ARE NO MATERIAL CHANGES TO THE IDENTITY OF A POTENTIAL BUYER IF THE LANDLORD HAS MADE A CONDITIONAL AGREEMENT WITH A BUYER; TO THE TIME WHEN THE PARK IS LISTED FOR SALE; OR TO THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE OFFER THE LANDLORD HAS RECEIVED TO SELL THE MOBILE HOME PARK OR FOR WHICH THE LANDLORD INTENDS TO SELL THE PARK, WHICH WERE INCLUDED IN THE MOST RECENT NOTICE PROVIDED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

(II) ANY MATERIAL CHANGE TO THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE OFFER THE LANDLORD HAS RECEIVED TO SELL THE MOBILE HOME PARK OR FOR WHICH THE LANDLORD INTENDS TO SELL THE PARK IS CONSIDERED A NEW TRIGGERING EVENT, REQUIRING A NEW NOTICE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND CREATING A NEW ONE-HUNDRED-TWENTY-DAY TIME PERIOD.

~~(b)~~ (c) A notice required under this section is in addition to, and does not substitute for or affect, any other notice requirement under this part 2.

(10) A landlord shall not make a final, unconditional acceptance of any offer for the sale or transfer of the park until:

(a) The landlord has considered an offer made by a group or association of home owners or their assignees pursuant to subsections (4), ~~and~~ (5), AND (8) of this section; or

(14) **Triggering events not essential.** (a) A group or association of home owners or their assignees may submit an offer to purchase to a landlord at any time, even if none of the events listed in ~~subsection (1) or (2)~~ SUBSECTION (1)(a) of this section has occurred.

(15) **Penalties and enforcement.** (a) (I) FOR PURPOSES OF THIS TITLE 38, THE RIGHTS ACCORDED TO HOME OWNERS IN THIS SECTION ARE PROPERTY INTERESTS.

(II) ANY TITLE TRANSFERRED SUBSEQUENT TO THE TRIGGERING EVENTS IN SUBSECTION (1)(a) OF THIS SECTION IS DEFECTIVE UNLESS THE PROPERTY INTERESTS OF THE HOME OWNERS AS SET FORTH IN SUBSECTION (15)(a)(I) OF THIS SECTION ARE SECURED OR UNTIL AN EQUITABLE REMEDY HAS BEEN PROVIDED.

(b) IF THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS RECEIVES A COMPLAINT FILED IN ACCORDANCE WITH PART 11 OF THIS ARTICLE 12, THE

DIVISION SHALL INVESTIGATE THE ALLEGED VIOLATIONS AT THE DIVISION'S DISCRETION, AND, IF APPROPRIATE, FACILITATE NEGOTIATIONS BETWEEN THE COMPLAINANT AND RESPONDENT IN ACCORDANCE WITH PART 11 OF THIS ARTICLE 12. THE DIVISION MAY ALSO INVESTIGATE POSSIBLE VIOLATIONS OF THIS SECTION UPON ITS OWN INITIATIVE. IN ADDITION TO THE REMEDIES DESCRIBED IN SECTION 38-12-1105, THE DIVISION MAY:

(I) IMPOSE A FINE ON THE SELLER OF THE MOBILE HOME PARK IN AN AMOUNT NOT TO EXCEED THIRTY PERCENT OF THE SALE OR LISTING PRICE OF THE PARK, WHICHEVER IS GREATER, WHICH THE DIVISION SHALL DISTRIBUTE TO THE HOME OWNERS IN THE PARK; OR

(II) FILE A CIVIL ACTION FOR INJUNCTIVE OR OTHER RELIEF IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE PARK IS LOCATED.

(c) SUBJECT TO AVAILABLE RESOURCES, THE ATTORNEY GENERAL MAY INVESTIGATE POSSIBLE VIOLATIONS OF THIS SECTION. IF THE ATTORNEY GENERAL MAKES A PRELIMINARY FINDING THAT A LANDLORD OR SELLER OF A MOBILE HOME PARK SUBSTANTIALLY FAILED TO COMPLY WITH THIS SECTION, AND IF CONTINUATION OF THE SALE IS LIKELY TO RESULT IN SIGNIFICANT HARM TO THE PROPERTY INTERESTS OF THE HOME OWNERS AS SET FORTH IN SUBSECTION (15)(a)(II) OF THIS SECTION, THE ATTORNEY GENERAL:

(I) SHALL INFORM THE REGISTRAR OF TITLES THAT THE HOME OWNERS WITH PROPERTY INTERESTS UNDER THIS SECTION HAVE AN ADVERSE CLAIM ON THE PROPERTY, WHICH MUST BE RECORDED ON THE CERTIFICATE OF TITLE;

(II) MAY, PURSUANT TO SECTION 38-36-131 AND SUBJECT TO THE TIME LIMITS OF SECTION 38-36-132, ISSUE AN ORDER PROVIDING TEMPORARY INJUNCTIVE RELIEF TO PRESERVE THE OWNERSHIP STATUS QUO IF THE ORDER IS ISSUED PRIOR TO A TRANSFER OF TITLE, OR TO REVERT THE OWNERSHIP TO STATUS QUO ANTE SUBJECT TO THE LIMITATIONS OF ARTICLE 41 OF THIS TITLE 38 IF THE ORDER IS ISSUED AFTER THE TRANSFER OF TITLE;

(III) MAY CONTINUE TO INVESTIGATE, NEGOTIATE, AND, IF APPROPRIATE, FILE A CIVIL ACTION TO SECURE AND ENFORCE THE RIGHTS OF HOME OWNERS UNDER THIS SECTION OR TO SECURE AN EQUITABLE REMEDY ON THEIR BEHALF.

(d) ONE OR MORE HOME OWNERS OR THEIR ASSIGNEES MAY FILE A CIVIL ACTION ALLEGING A VIOLATION OF THIS SECTION PURSUANT TO SECTION 38-12-220.

SECTION 17. In Colorado Revised Statutes, 38-12-219, **amend** (1) introductory portion and (1)(a); and **add** (2) as follows:

38-12-219. Home owners' and landlords' rights. (1) Every home owner and landlord ~~shall have the~~ HAS A PRIVATE right of ACTION PURSUANT TO SECTION 38-12-203 OR 38-12-220 to ENFORCE the following:

(a) Protection from abuse or disregard of state or local law by the landlord and home owners. ABUSE OR DISREGARD OF STATE OR LOCAL LAW INCLUDES, BUT IS NOT LIMITED TO:

(I) ORAL OR WRITTEN STATEMENTS THAT THREATEN EVICTION OF A HOME OWNER FOR VIOLATIONS THAT ARE NOT GROUNDS TO TERMINATE A TENANCY UNDER SECTION 38-12-203;

(II) MISLEADING A HOME OWNER ABOUT THE HOME OWNER'S OBLIGATION TO SIGN A NEW LEASE OR AGREEMENT; OR

(III) TAKING, POSSESSING, OR DEPRIVING A HOME OWNER OR RESIDENT OF HIS OR HER PROPERTY OR PROPERTY RIGHTS WITHOUT DUE PROCESS OF LAW, INCLUDING THE OPPORTUNITY FOR A JUDICIAL OR ADMINISTRATIVE HEARING.

(2) THE RIGHTS AND OBLIGATIONS SET FORTH IN SUBSECTIONS (1)(a)(III), (1)(b), AND (1)(c) OF THIS SECTION ARE NOT SUBJECT TO ENFORCEMENT THROUGH THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM " CREATED IN PART 11 OF THIS ARTICLE 12.

SECTION 18. In Colorado Revised Statutes, **amend** 38-12-220 as follows:

38-12-220. Private civil right of action. (1) A home owner, ~~in a park where the landlord has violated any provision of this article 12 has a private civil right of,~~ A RESIDENT, AN ASSOCIATION OF HOME OWNERS, OR A LANDLORD OR THE ASSIGNEE OF A HOME OWNER, A RESIDENT, AN ASSOCIATION OF HOME OWNERS, OR A LANDLORD MAY FILE A CIVIL ACTION ~~against the landlord~~ ALLEGING A VIOLATION OF A RENTAL AGREEMENT OR OF ANY PROVISION OF THIS ARTICLE 12.

(2) In any such action, except as described in section 38-12-105 (4): ~~the home owner is entitled to actual economic damages and reasonable attorney fees and costs if the home owner is successful in the action.~~

(a) A COURT MAY AWARD ECONOMIC DAMAGES, ANY PENALTIES AUTHORIZED BY THIS ARTICLE 12, AND SUCH EQUITABLE AND INJUNCTIVE RELIEF AS IS APPROPRIATE TO PROTECT THE RIGHTS OF THE PARTIES;

(b) A COURT MAY AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING PARTY; EXCEPT THAT, IN AN ACTION BROUGHT BY A RESIDENT, A HOME OWNER, OR AN ASSOCIATION OF HOME OWNERS A COURT SHALL NOT:

(I) AWARD ATTORNEY FEES TO A LANDLORD UNLESS THE COURT FINDS THAT THE RESIDENT, A HOME OWNER, OR AN ASSOCIATION OF HOME OWNERS FILED A COMPLAINT THAT WAS FRIVOLOUS, NOTWITHSTANDING ANY AGREEMENT TO THE CONTRARY; OR

(II) REQUIRE A BOND TO BE PAID INTO THE COURT AS A CONDITION OF FILING THE SUIT.

(3) IN AN ACTION ALLEGING A VIOLATION OF SECTION 38-12-217:

(a) A COURT MAY ISSUE AN ORDER SUSPENDING THE ONE-HUNDRED-TWENTY-DAY PERIODS DESCRIBED IN SECTION 38-12-217 (4)(a) AND (6)(b), STAYING OR CANCELING THE CLOSING OF ANY PENDING TRANSACTION, OR PROVIDING SUCH OTHER EQUITABLE RELIEF AS THE COURT DEEMS NECESSARY TO PROTECT THE RIGHTS

OF THE HOME OWNERS UNDER SECTION 38-12-217.

(b) IF THE COURT FINDS THE LANDLORD VIOLATED SECTION 38-12-217, IN ADDITION TO ALL OTHER REMEDIES, THE COURT SHALL AWARD A STATUTORY PENALTY OF NO LESS THAN TWENTY THOUSAND DOLLARS BUT NO MORE THAN THE DOLLAR AMOUNT CALCULATED TO BE THIRTY PERCENT OF THE PURCHASE OR LISTING PRICE OF THE PARK. THE PENALTY AUTHORIZED BY THIS SUBSECTION (3)(b) IS IN ADDITION TO ANY FINE OR PENALTY IMPOSED BY OR AWARDED TO THE DIVISION OF HOUSING UNDER SECTION 38-12-217 (15).

(4) IF A COURT DETERMINES THAT A LANDLORD VIOLATED SECTION 38-12-204 (4) OR (5), IN ADDITION TO ALL OTHER REMEDIES, THE COURT SHALL AWARD A STATUTORY PENALTY OF NO LESS THAN FIFTEEN THOUSAND DOLLARS BUT NO MORE THAN FIFTY THOUSAND DOLLARS TO EACH AGGRIEVED PARTY FOR EACH VIOLATION THAT OCCURRED.

SECTION 19. In Colorado Revised Statutes, 38-12-222, **amend** (2) and (3) as follows:

38-12-222. Residents' right to privacy. (2) Unless otherwise prohibited by law, the management has a right of entry to mobile home space to fulfill the duties described in section 38-12-212.3 and to ensure compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; and the rules and regulations of the park. A landlord shall not enter in a manner that interferes with a ~~home owner's~~ RESIDENT'S peaceful enjoyment of the mobile home space, as described in section 38-12-219 (1)(b), except in the case of an emergency.

(3) Except when posting notices that are required by law or by a rental agreement, the management shall make a reasonable effort to notify a ~~home owner~~ RESIDENT of the management's intention to enter the mobile home space at least **forty-eight hours before entry**. THE NOTIFICATION MUST INCLUDE THE DATE AND APPROXIMATE TIME OF THE PLANNED ENTRY AND MUST BE DELIVERED IN A MANNER THAT IS REASONABLY LIKELY TO BE SEEN OR HEARD BY THE RESIDENT IN A TIMELY MANNER.

SECTION 20. In Colorado Revised Statutes, **add** 38-12-223 as follows:

38-12-223. Tenancy and park sale records. (1) A LANDLORD SHALL RETAIN RECORDS FOR EACH HOME OWNER AND RESIDENT THROUGHOUT THE HOME OWNER'S OR RESIDENT'S TENANCY AND FOR TWELVE MONTHS AFTER THE TENANCY ENDS, INCLUDING DOCUMENTATION OF:

(a) EACH RENTAL AGREEMENT SIGNED BY THE HOME OWNER OR RESIDENT AND THE CURRENT OR PREVIOUS LANDLORD;

(b) THE DATE AND AMOUNT OF ANY CHANGE IN RENT DURING THE HOME OWNER'S OR RESIDENT'S TENANCY;

(c) WRITTEN RULES AND REGULATIONS ADOPTED BY THE CURRENT OR PREVIOUS LANDLORD DURING THE HOME OWNER'S OR RESIDENT'S TENANCY;

(d) EACH REQUEST FROM THE HOME OWNER OR RESIDENT RELATING TO THE FOLLOWING, INCLUDING WHETHER THE LANDLORD AT THE TIME APPROVED OR DISAPPROVED EACH REQUEST:

(I) GUESTS, ROOMMATES, OCCUPANTS, CO-LESSEES, OR SUB-LESSEES;

(II) PETS OR SERVICE ANIMALS;

(III) ACCESSORY BUILDINGS OR STRUCTURES, INCLUDING SHEDS AND CARPORTS;

(IV) DECKS, FENCES, WHEELCHAIR RAMPS, OR OTHER STRUCTURAL CHANGES TO THE HOME OR LOT; AND

(V) USE OF PROPERTY RELATED TO PARKING OF VEHICLES AND USE OF VEHICLES.

(2) A LANDLORD WHO IS SELLING OR TRANSFERRING A MOBILE HOME PARK SHALL MAINTAIN ALL RECORDS RELATED TO COMPLIANCE WITH SECTION 38-12-217 FOR A MINIMUM OF FORTY-EIGHT MONTHS AFTER ANY SALE OR TRANSFER OF A MOBILE HOME PARK IS COMPLETE, INCLUDING BUT NOT LIMITED TO:

(a) NOTICES MAILED OR GIVEN TO HOME OWNERS PURSUANT TO SECTION 38-12-217 (1) AND (2);

(b) POSTINGS PURSUANT TO SECTION 38-12-217 (1)(c), INCLUDING ANY FORMS FOR HOME OWNERS TO PROVIDE NOTICE THAT THEY DO NOT WISH TO PARTICIPATE IN EFFORTS TO PURCHASE THE COMMUNITY;

(c) SIGNED WRITINGS PROVIDED BY HOME OWNERS TO THE PARK OWNER DECLINING TO PARTICIPATE IN PURCHASING THE PARK PURSUANT TO SECTION 38-12-217 (1)(c);

(d) OFFERS TO PURCHASE AND PROPOSED PURCHASE AND SALE AGREEMENTS SUBMITTED TO THE LANDLORD BY A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES PURSUANT TO SECTION 38-12-217 (4);

(e) REQUESTS FOR INFORMATION FROM A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES PARTICIPATING IN THE OPPORTUNITY TO PURCHASE AND THE LANDLORD'S RESPONSES TO THE REQUESTS FOR INFORMATION PURSUANT TO SECTION 38-12-217 (5)(a); AND

(f) OFFERS TO PURCHASE AND ANY CONDITIONAL AND UNCONDITIONAL PURCHASE AND SALE AGREEMENTS SUBMITTED BY THE SUCCESSFUL PURCHASER OF THE MOBILE HOME PARK.

(3) UPON THE SALE OR TRANSFER OF A MOBILE HOME PARK, THE SELLER MUST TRANSFER ALL RECORDS MAINTAINED UNDER SUBSECTION (1) OF THIS SECTION TO THE NEW OWNER.

(4) IF AN ISSUE ARISES AS TO A RESIDENT'S RIGHT TO ANY OF THE MATTERS DESCRIBED IN SUBSECTION (1)(c) OR (2) OF THIS SECTION AND THE LANDLORD HAS NOT RETAINED ADEQUATE RECORDS FOR THAT RESIDENT, THE LANDLORD SHALL BE

PRESUMED TO HAVE VIOLATED THIS PART 2 UNLESS THE LANDLORD DEMONSTRATES COMPLIANCE BY A PREPONDERANCE OF THE EVIDENCE.

(5) THE DIVISION MAY PROMULGATE RULES CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING REQUIREMENTS CONCERNING:

(a) HOW A PERSON MAY ACCESS OR OBTAIN COPIES OF RECORDS RETAINED PURSUANT TO THIS SECTION AND ANY RESTRICTIONS ON WHO MAY ACCESS RECORDS RETAINED PURSUANT TO THIS SECTION;

(b) WHAT FEES OR COSTS, IF ANY, MAY BE IMPOSED FOR OBTAINING COPIES OF RECORDS RETAINED PURSUANT TO THIS SECTION;

(c) CONFIDENTIALITY PROTECTIONS FOR PERSONALLY IDENTIFYING INFORMATION INCLUDED IN RECORDS RETAINED PURSUANT TO THIS SECTION;

(d) SECURE DESTRUCTION OF RECORDS ONCE THE PERIOD OF RETENTION HAS PASSED; AND

(e) PENALTIES FOR VIOLATIONS OF THIS SECTION.

(6) IF A CURRENT OR FORMER MANAGEMENT OR LANDLORD VIOLATES THIS SECTION, A HOME OWNER MAY FILE A COMPLAINT PURSUANT TO SECTION 38-12-1105. ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, A RESIDENT WHO DOES NOT OWN A MOBILE HOME IN THE PARK, A LOCAL GOVERNMENT, OR A NONPROFIT MAY FILE SUCH A COMPLAINT.

SECTION 21. In Colorado Revised Statutes, 38-12-1102, **amend** (1)(c) and (2); and **add** (1)(d) as follows:

38-12-1102. Legislative declaration. (1) The general assembly hereby finds and declares that:

(c) Taking legal action against a mobile home park landlord for violations of the "Mobile Home Park Act" can be a costly and lengthy process THAT IS NOT TIMELY ENOUGH TO PREVENT SIGNIFICANT HARM, and many mobile home owners AND RESIDENTS cannot afford to pursue a court process to vindicate statutory rights. Mobile home park landlords will also benefit by having access to a process that resolves disputes quickly and efficiently.

(d) CERTAIN ACTIONS BY MOBILE HOME PARK LANDLORDS MAY CAUSE IMMINENT HARM TO MOBILE HOME PARK RESIDENTS.

(2) Therefore, it is the intent of the general assembly to provide an equitable as well as a less costly and more TIMELY AND efficient way for mobile home owners, MOBILE HOME PARK RESIDENTS, and mobile home park landlords to resolve disputes; **and** to provide a mechanism for state authorities to quickly locate mobile home park landlords; AND TO GRANT THE DIVISION OF HOUSING THE AUTHORITY TO ISSUE CEASE AND DESIST ORDERS TO STOP ACTIONS BY LANDLORDS THAT POSE THE POTENTIAL FOR IMMINENT HARM.

SECTION 22. In Colorado Revised Statutes, 38-12-1103, **amend** (2) and (7); and **add** (8) as follows:

38-12-1103. Definitions. As used in this part 11, unless the context otherwise requires:

(2) (a) "Complainant" means a landlord, ~~or~~ home owner, OR GROUP OF HOME OWNERS who has filed a complaint alleging a violation of the act, THIS PART 11, OR A RULE or the complainant's agent, employee, or representative authorized to act on the complainant's behalf.

(b) ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, "COMPLAINANT" ALSO INCLUDES A RESIDENT, LOCAL GOVERNMENT, OR NONPROFIT WHO HAS FILED A COMPLAINT ALLEGING A VIOLATION OF THE ACT, THIS PART 11, OR A RULE.

(7) "Respondent" means a landlord, FORMER LANDLORD, or home owner alleged to have committed a violation of the act, THIS PART 11, OR A RULE or the respondent's agent, employee, or representative authorized to act on the respondent's behalf.

(8) "RULE" MEANS A RULE PROMULGATED BY THE DIVISION PURSUANT TO THE ACT OR THIS PART 11.

SECTION 23. In Colorado Revised Statutes, 38-12-1104, **amend** (2)(a), (2)(g), and (2)(h); and **add** (4) as follows:

38-12-1104. Dispute resolution program - creation - division of housing - duties - report - rules. (2) The division shall:

(a) Produce educational materials regarding the act and the program. These materials must be in both English and Spanish and must include a notice in a format that a landlord can reasonably post in a mobile home park. The notice must summarize home owner AND RESIDENT rights and responsibilities UNDER THE ACT AND THIS PART 11, provide information on how to file a complaint with the division, describe the protections afforded ~~home owners~~ under section 38-12-1105 (13), and provide a toll-free telephone number and website that landlords, ~~and~~ home owners, AND RESIDENTS can use to seek additional information and communicate complaints specific to the program;

(g) Provide an annual report to the transportation and local government committee of the house of representatives, or its successor committee, AND the local government committee of the senate, or its successor committee, ~~and to the department of regulatory agencies~~, and publish that annual report on the division's official website;

(h) Receive complaints and perform dispute resolution AND ENFORCEMENT activities related to the program, including investigations, negotiations, COMMUNICATIONS, determinations of violations, AWARDS OF DAMAGES, and imposition of penalties as described in section 38-12-1105;

(4) THE ATTORNEY GENERAL MAY, AT THE ATTORNEY GENERAL'S DISCRETION, INVESTIGATE AND ENFORCE COMPLIANCE WITH THE ACT AND THIS PART 11.

SECTION 24. In Colorado Revised Statutes, 38-12-1105, **amend** (1), (2), (3)(a), (4), (7)(a)(II), (7)(a)(III), (7)(b), (10), (12), and (13); and **add** (3)(c), (6.5), and (15) as follows:

38-12-1105. Dispute resolution program - complaint process. (1) ~~Beginning on June 30, 2020,~~ Any aggrieved party may file a complaint with the division ON A FORM PRESCRIBED BY THE DIVISION alleging a violation of the act, ~~or this part 11,~~ OR A RULE, regardless of whether the provision allegedly violated contains a specific reference to this section.

(2) After receiving a complaint under this part 11, the division shall investigate the alleged violations at the division's discretion. ~~and, THE DIVISION MAY, if appropriate, facilitate negotiations between the complainant and the respondent. THE DIVISION MAY ON ITS OWN INITIATIVE INVESTIGATE POTENTIAL VIOLATIONS OF THE ACT, THIS PART 11, OR A RULE WHEN IT RECEIVES EVIDENCE OF A POTENTIAL VIOLATION FROM A SOURCE OTHER THAN A FILED COMPLAINT AND MAY MAKE DETERMINATIONS AND TAKE ENFORCEMENT ACTIONS PURSUANT TO THIS SECTION FOLLOWING SUCH AN INVESTIGATION.~~

(3) (a) Complainants and respondents shall cooperate with the division in the course of an investigation by responding to subpoenas issued by the division. The subpoenas may COMPEL TESTIMONY, TAKE EVIDENCE, OR seek access to papers or other documents and provide site access to the mobile home parks relevant to the investigation. Complainants and respondents must respond to the division's subpoenas within fourteen days of the division sending the subpoenas by certified mail.

(c) IF A COMPLAINANT OR RESPONDENT FAILS TO RESPOND TO A SUBPOENA WITHIN THE TIME REQUIRED BY SUBSECTION (3)(a) OF THIS SECTION, THE DIVISION MAY IMPOSE A PENALTY OF UP TO FIVE THOUSAND DOLLARS PER VIOLATION PER DAY FOR EACH DAY THE COMPLAINANT OR RESPONDENT FAILS TO RESPOND. THE DIVISION MAY DELAY OR DISMISS THE IMPOSITION OF THE PENALTY IF THE COMPLAINANT OR RESPONDENT MAKES A GOOD-FAITH EFFORT TO COMPLY WITHIN SEVEN DAYS.

(4) (a) If, after an investigation, the division determines that the parties are unable to come to an agreement OR THAT FACILITATING NEGOTIATIONS BETWEEN THE PARTIES IS NOT APPROPRIATE TO RESOLVE THE ALLEGED VIOLATION, the division shall make a written determination on whether a violation of the act, THIS PART 11, OR A RULE has occurred.

(b) If the division finds by a written determination that a violation of the act, THIS PART 11, OR A RULE has occurred, the division shall deliver a written notice of violation by certified mail to both the complainant and the respondent. The notice of violation must specify the basis for the division's determination, the violation, the action required to cure the violation, the time within which that action must be taken, the penalties that will be imposed if that action is not taken within the specified time period, and the process for contesting the determination, required action, and penalties by means of an administrative hearing.

(c) If the division finds by a written determination that a violation of the act, THIS PART 11, OR A RULE has not occurred, the division shall deliver a written notice of nonviolation to both the complainant and the respondent by certified mail. The notice of nonviolation must include the basis for the division's determination and the process for contesting the determination included in the notice of nonviolation by means of an administrative hearing.

(6.5) (a) WHENEVER THE DIVISION HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THE ACT, THIS PART 11, OR A RULE HAS OCCURRED OR WILL SOON OCCUR, AND THAT IMMEDIATE ENFORCEMENT IS NECESSARY, THE DIVISION MAY IMMEDIATELY ISSUE A CEASE AND DESIST ORDER. A WRITTEN DETERMINATION AND NOTICE OF VIOLATION IS NOT REQUIRED WHEN THE DIVISION ISSUES A CEASE AND DESIST ORDER PURSUANT TO THIS SUBSECTION (6.5). THE ORDER MUST SET FORTH THE PROVISIONS ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL ACTIONS IMMEDIATELY CEASE.

(b) WITHIN FIFTEEN BUSINESS DAYS AFTER SERVICE OF THE ORDER, THE PERSON RECEIVING THE ORDER MAY REQUEST AN ADMINISTRATIVE HEARING PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION TO DETERMINE WHETHER OR NOT THE ALLEGED VIOLATION HAS OCCURRED.

(c) IF A PERSON WHO IS THE SUBJECT OF AN ORDER TO CEASE AND DESIST FAILS TO COMPLY WITH THE ORDER WITHIN FORTY-EIGHT HOURS, THE DIVISION MAY BRING AN ACTION IN CIVIL COURT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT FURTHER OR CONTINUED VIOLATION OF THE ACT, THIS PART 11, OR A RULE. A COURT SHALL NOT STAY AN ORDER TO CEASE AND DESIST UNTIL AFTER HOLDING A HEARING INVOLVING BOTH PARTIES ON THE MATTER.

(7)(a) A complainant or respondent may request an administrative hearing before an administrative law judge to contest:

(II) A penalty imposed under subsection (3) OR (5) of this section; or

(III) An order to cease and desist or an order to take actions under subsection (6) OR (6.5) of this section.

(b) If the complainant or respondent requests an administrative hearing pursuant to subsection (7)(a) of this section, the complainant or respondent must file the request within fifteen business days ~~of receipt~~ AFTER SERVICE of a notice of violation, notice of nonviolation penalty, order, or action. If an administrative hearing is not requested within this time period, the notice of violation, ~~or~~ notice of nonviolation, OR CEASE AND DESIST ORDER constitutes a final agency order of the division and is not subject to review by any court or agency.

(10) When the division imposes any penalty against a respondent landlord under this part 11, the respondent may not seek any recovery or reimbursement of the penalty from a complainant or from any other home owner OR RESIDENT.

(12) This section does not provide an exclusive remedy and does not limit the right of landlords, ~~or~~ home owners, OR RESIDENTS to take legal action against

another party as provided in the act or otherwise. Exhaustion of the administrative remedy provided in this section is not required before a landlord, ~~or~~ home owner, OR RESIDENT may bring a legal action.

(13) A landlord ~~may~~ SHALL not take any retaliatory actions against a home owner OR RESIDENT FOR FILING A COMPLAINT AND SHALL NOT HARASS OR INTIMIDATE A HOME OWNER OR RESIDENT IN VIOLATION OF SECTION 38-12-212.5 (4.5). If the division determines that a landlord has retaliated against a home owner OR RESIDENT OR VIOLATED SECTION 38-12-212.5 (4.5), the division may impose a fine of up to ten thousand dollars on the landlord.

(15) THE DIVISION SHALL TAKE ALL REASONABLE STEPS TO AVOID DISCLOSING THE COMPLAINANT'S IDENTITY TO THE LANDLORD DURING OR AFTER THE INVESTIGATION WITHOUT THE COMPLAINANT'S PERMISSION IF A COMPLAINT ALLEGES A VIOLATION THAT IS OF A GENERAL NATURE AFFECTING MULTIPLE HOME OWNERS OR RESIDENTS, INCLUDING BUT NOT LIMITED TO A COMPLAINT ALLEGING THAT A LANDLORD'S RULES OR RULE ENFORCEMENT PRACTICES VIOLATE THE ACT, THIS PART 11, OR A RULE AND THE DIVISION CAN ADEQUATELY INVESTIGATE THE COMPLAINT WITHOUT REVEALING THE COMPLAINANT'S IDENTITY. A PERSON SHALL NOT OBTAIN ACCESS TO THE RECORD THROUGH SUBPOENA, DISCOVERY, OR UNDER ANY STATUTORY AUTHORITY. THIS SUBSECTION (15) DOES NOT PROHIBIT THE DIVISION FROM REQUIRING OR KNOWING THE IDENTITY OF A COMPLAINANT.

SECTION 25. In Colorado Revised Statutes, 38-12-1106, **amend** (2)(d), (2)(e), (7) introductory portion, (7)(d), (7)(e), and (8); and **add** (7)(a.5) and (7)(f) as follows:

38-12-1106. Registration of mobile home parks - process - fees. (2) The division shall send registration notifications and information packets to all known landlords of unregistered mobile home parks. These information packets must include:

(d) Registration assessment information, including registration due dates and late fees, and the collections procedures, liens, and charging costs to home owners OR RESIDENTS; and

(e) A description of the protections afforded home owners AND RESIDENTS under section 38-12-1105 (13).

(7) The registration forms provided by the division must require information necessary to assist the division in identifying and locating a mobile home park and other information that may be useful to the state. ~~including;~~ A REGISTRATION IS NOT COMPLETE UNLESS THE LANDLORD INCLUDES ALL OF THE INFORMATION REQUIRED BY THE FORMS PROVIDED BY THE DIVISION. THE FORMS MUST REQUIRE, at a minimum:

(a.5) (I) THE NAME AND MAILING ADDRESS OF THE LEGAL OWNER OF THE MOBILE HOME PARK AS RECORDED IN THE PROPERTY RECORDS OF THE COUNTY ASSESSOR FOR THE PROPERTY AND A COPY OF THE PROPERTY RECORD, PROPERTY REPORT, OR SIMILAR SUPPORTING DOCUMENTATION FROM THE COUNTY ASSESSOR'S WEBSITE.

(II) IF THE LEGAL OWNER OF THE MOBILE HOME PARK LISTED PURSUANT TO SUBSECTION (7)(a.5)(I) OF THIS SECTION IS A DOMESTIC LIMITED LIABILITY COMPANY, THE LANDLORD SHALL INCLUDE THE DOMESTIC ENTITY NAME OF THE LIMITED LIABILITY COMPANY AND THE PRINCIPAL OFFICE MAILING ADDRESS ON FILE WITH THE SECRETARY OF STATE, A COPY OF THE CERTIFICATE OF GOOD STANDING FOR THE LIMITED LIABILITY COMPANY, AND THE NAME OF ANY ENTITY THAT EXERCISES FINANCIAL OR MANAGEMENT CONTROL OF THE LIMITED LIABILITY COMPANY.

(III) IF THE LEGAL OWNER OF THE MOBILE HOME PARK LISTED PURSUANT TO SUBSECTION (7)(a.5)(I) OF THIS SECTION IS A FOREIGN LIMITED LIABILITY COMPANY, THE LANDLORD SHALL INCLUDE THE ENTITY'S TRUE NAME AND ASSUMED ENTITY NAME, IF ANY, AND THE PRINCIPAL OFFICE MAILING ADDRESS OF ITS PRINCIPAL OFFICE AS SHOWN ON THE STATEMENT OF FOREIGN ENTITY AUTHORITY FILED WITH THE SECRETARY OF STATE, A COPY OF THE CERTIFICATE OF GOOD STANDING FOR THE FOREIGN LIMITED LIABILITY COMPANY, AND THE NAME OF ANY ENTITY THAT EXERCISES FINANCIAL OR MANAGEMENT CONTROL OF THE LIMITED LIABILITY COMPANY.

(d) The number of mobile homes within the mobile home park; ~~and~~

(e) The PHYSICAL address of each mobile home within the mobile home park AND THE MAILING ADDRESS OF THE HOME OWNER, IF THE LANDLORD HAS A DIFFERENT MAILING ADDRESS ON FILE FOR THE HOME OWNER; AND

(f) THE DATE AND AMOUNT OF THE MOST RECENT RENT INCREASE FOR EACH MOBILE HOME LOT AND EACH MOBILE HOME IN THE PARK.

(8) ~~For the 2020 calendar year, the division shall charge each landlord a twenty-four dollar registration fee for each mobile home independently owned on rented land within the landlord's mobile home park. Each year thereafter, The~~ division shall establish by rule a fee that each landlord shall pay to the division as an annual registration fee for each mobile home independently owned on rented land within the landlord's mobile home park. ON AND AFTER JULY 1, 2024, THE DIVISION MAY ADJUST THE FEE TO COVER THE COSTS ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO SECTION 38-12-1103 (2)(b), AND MAY BY RULE AUTHORIZE LANDLORDS TO CHARGE A RESIDENT, AS DEFINED IN SECTION 38-12-201.5 (11), A PORTION OF THE FEE. A landlord ~~may~~ MUST NOT charge a home owner ~~not~~ OR RESIDENT more than half of the fee. The registration fee for each mobile home must be deposited into the fund. The division shall review the annual registration fee and, if necessary, adjust the annual registration fee through rule-making to ensure it continues to reasonably relate to the cost of administering the program.

SECTION 26. In Colorado Revised Statutes, 38-12-1110, **add** (3) as follows:

38-12-1110. Mobile home park act dispute resolution and enforcement program fund. (3) (a) IN FISCAL YEAR 2022-23 AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND TO THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM FUND FOR USE BY THE DIVISION TO CONDUCT OUTREACH,

MONITORING, AND ENFORCEMENT RELATED TO SECTIONS 38-12-217 AND 38-12-203.5.

(b) IN FISCAL YEAR 2024-25 AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM FUND FOR USE BY THE DIVISION TO COVER COSTS ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO SECTION 38-12-1103 (2)(b) THAT ARE NOT COVERED BY THE FEE AUTHORIZED IN SECTION 32-12-1106 (8).

SECTION 27. In Colorado Revised Statutes, 6-1-105, **repeal** (1)(kkk); and **add** (1)(rrr) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

~~(kkk) Either knowingly or recklessly engages in any unfair, unconscionable, deceptive, deliberately misleading, false, or fraudulent act or practice;~~

(rrr) EITHER KNOWINGLY OR RECKLESSLY ENGAGES IN ANY UNFAIR, UNCONSCIONABLE, DECEPTIVE, DELIBERATELY MISLEADING, FALSE, OR FRAUDULENT ACT OR PRACTICE.

SECTION 28. Appropriation. (1) For the 2022-23 state fiscal year, \$89,870 is appropriated to the mobile home park act dispute resolution and enforcement program fund created in section 38-12-1110 (1), C.R.S. This appropriation is from the general fund. The department of local affairs is responsible for the accounting related to this appropriation.

(2) For the 2022-23 state fiscal year, \$50,173 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs from the mobile home park act dispute resolution and enforcement program fund created in section 38-12-1110 (1), C.R.S. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 29. Act subject to petition - effective date. This act takes effect October 1, 2022; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 26, 2022